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Verna P. Bradshaw

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TRANSCRIPT OF PROCEEDINGS

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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

IN THE MATTER OF:

TRINITY BROADCASTING OF FLORIDA, INC.  
and  
GLENDALE BROADCASTING COMPANY

MM DOCKET NO. 93-75

Miami, Florida

DATE OF HEARING: December 21, 1993

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FREE STATE REPORTING, INC.  
Court Reporting Depositions  
D.C. Area (301) 261-1902  
Balt. & Annap. (410) 974-0947

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FEDERAL COMMUNICATIONS COMMISSION  
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TRINITY BROADCASTING OF FLORIDA, INC. )  
and )  
GLENDALE BROADCASTING COMPANY )

MM DOCKET NO. 93-75

Miami, Florida )  
-----)

The above-entitled matter came on for hearing  
pursuant to Notice before Judge Joseph Chachkin,  
Administrative Law Judge, at 2000 L Street, N.W., Washington,  
D.C., 20554, in Courtroom 3, on Tuesday, December 21, 1993,  
at 9:30 a.m.

APPEARANCES:

On behalf of Trinity Broadcasting of Florida, Inc.:

NATHANIEL EMMONS, Esquire  
CHRISTOPHER HOLT, Esquire  
HOWARD TOPEL, Esquire  
Mullin, Rhyne, Emmons and Topel, P.C.  
1000 Connecticut Avenue, Suite 500  
Washington, D.C. 20036-5383

On behalf of Glendale Broadcasting Company:

LEWIS COHEN, Esquire  
JOHN SCHAUBLE, Esquire  
Cohen & Berfield  
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Washington, D.C. 20036

On behalf of S.A.L.A.D.:

DAVID McCURDY, Esquire  
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## 1 APPEARANCES (Continued):

2 On behalf of Mass Media Bureau:

3 JAMES SHOOK, Esquire  
4 GARY SCHONMAN, Esquire  
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## I N D E X

<u>Witness</u>	<u>Direct</u>	<u>Cross</u>	<u>Redirect</u>	<u>Recross</u>
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Colby May

By Mr. Cohen

3131

By Mr. Schonman

3248

## E X H I B I T S

<u>Exhibits</u>	<u>Identified</u>	<u>Received</u>	<u>Rejected</u>
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Glendale Ex. No. 220

3158

3194

Hearing Began: 9:30 a.m.

Hearing Ended: 3:55 p.m.

Lunch Began: 12:25 p.m.

Lunch Ended: 1:30 p.m.

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## P R O C E E D I N G S

(9:30 a.m.)

JUDGE CHACHKIN: Mr. Cohen?

MR. COHEN: Yes, sir. Thank you, Your Honor.

Whereupon,

COLBY MAY

having previously been duly sworn, was called as a witness herein and was examined and testified as follows:

## CROSS-EXAMINATION

BY MR. COHEN:

Q Mr. May, when we left off yesterday at the recess, I was asking you some questions concerning Pastor Aguilar, and I want to ask you a few more questions and the time-frame of these questions will be September or October of 1991. That's the time-frame.

You recall yesterday I referred you to Bureau Exhibit 376, which was your letter, which was Joe Dunne's letter of October 1. That's where we were when we left off.

A Yes, sir. I have it.

Q Now, in that time-frame, isn't it true, sir, that you and Joe Dunne believed that Reverend Aguilar was not doing things that you and Joe Dunne thought he ought to be doing in terms of carrying out his responsibilities as a Director?

A No, sir. I think that what I tried to communicate is that we had frustrations with Reverend Aguilar particularly in the context of gathering material about the need to file an

1 amendment in the Wilmington matter, and that's what we were  
2 primarily expressing here.

3           And there are other topics that are addressed that  
4 -- for example, the idea that he didn't fully read an affida-  
5 vit before he signed it. And the facts simply are that he was  
6 sent a draft affidavit which was the result of a number of  
7 conference calls and calls between my office and him -- or at  
8 least his office. And the affidavit was sent to him and then  
9 it came back and it had some errors in it that we believed he  
10 would have caught had he read it carefully. And having then  
11 realized that there were errors in it, those corrections were  
12 made and the affidavit was returned to him for re-execution.  
13 Then it came back, but it did -- it came back without a notary  
14 attestation with it, and so we had to yet again return it to  
15 him, and that was part of the process we had to get approved  
16 and make sure that everything that was filed was done correct-  
17 ly. And, certainly, the affidavit that was tendered to the  
18 Commission we were satisfied had in fact been read and, and  
19 properly executed by Reverend Aguilar at the time it was  
20 filed. We just had to go through some steps to do that and we  
21 were feeling a little frustrated on our own right because the  
22 time-frame was very compressed. The Commission had sent us a  
23 letter and we wanted to respond to that letter as fully as we  
24 could within the shortest period of time we could. So, that  
25 was part of the frustration expressed. So, I don't --

1           Q     I want to give you -- I want you to have as much  
2 time as you want to answer the question and -- are you  
3 finished?

4           A     That that was the frustration. The other frustra-  
5 tion I, I have previously mentioned about, needing to get  
6 material about his prior criminal conviction that we had not  
7 previously received. Now, I'm just reading down to see the  
8 other points.

9                     And part of our frustration was also based on our,  
10 our -- a little bit of ignorance about Reverend Aguilar in the  
11 sense that at the time -- he has a -- an interesting idiosyn-  
12 cracy where he does not -- he's not comfortable in talking on  
13 the telephone, or at least doesn't talk directly on the tele-  
14 phone normally. I mean, he participated in conference calls  
15 with us, but that's because there was a, a group of people and  
16 he was among that group and they had a speakerphone there and  
17 that's how he did it. If you called Pastor Aguilar's office,  
18 you normally spoke to him essentially through his secretary,  
19 Ms. Lois Trader. But we didn't know it at the time that that  
20 was part of who he is and, and, you know, how he deals with  
21 the technology of the telephone and all of that. So, we were  
22 expressing that frustration and we were just noting the items  
23 that we thought had been a little bit out of sync. But,  
24 frankly, after this, this letter was penned, we were, we were  
25 able to, to learn more about the man and find out that in fact

1 it wasn't as frustrating, I guess, once you got to know him  
2 and understand what he was and who he was. There is a little  
3 bit of overreaction involved in our -- on our part, frankly,  
4 and as we learned more we recognized that and were able to put  
5 it in context.

6 Q Well, I want to refer you to page 122 of your depo-  
7 sition taken on Monday, September 20, and I ask you at line 6:  
8 "Now, why was Reverend Aguilar not sent a copy of this  
9 letter?" Referring to the letter that you've been testifying  
10 about. And your answer was: "Probably not to either insult  
11 him or to otherwise anger him."

12 And the question was: "And why would he have been  
13 insulted or angered?" And your answer was: "Because the  
14 nature of our comments were that he wasn't doing things we  
15 thought he should do."

16 A Yes, sir. That's right. And I --

17 Q That's right.

18 A -- I think we --

19 Q That was the question I asked you. Let's go on.  
20 Now, in the same time-frame, isn't it true that in September  
21 and October of 1991 that you told Paul Crouch and Jane Duff  
22 that they ought not to rely upon Pastor Aguilar as a Director?

23 A We expressed, particularly in this letter, that --

24 JUDGE CHACKIN: Well, wait a minute. Wait a  
25 minute. It was simple -- a yes or no answer will suffice.



1 The question was asked: did you say this or didn't you say  
2 this. Now, either it's yes or no.

3 MR. MAY: It's, it's not quite that simple.

4 JUDGE CHACHKIN: I --

5 MR. MAY: We expressed the frustration --

6 JUDGE CHACHKIN: Would you read the question back  
7 again --

8 MR. COHEN: Yes.

9 JUDGE CHACHKIN: -- Mr. Cohen?

10 MR. COHEN: Yes. Isn't it true that in September  
11 and October of 1991, September or October of 1991, that you  
12 told Paul Crouch and Jane Duff that they ought not to rely  
13 upon Pastor Aguilar as a Director?

14 JUDGE CHACHKIN: Now, that requires a simple yes or  
15 no answer. Did you tell him that or didn't you?

16 MR. MAY: Yes. Yes, sir.

17 JUDGE CHACHKIN: Thank you. Now, also in the future  
18 to be responsive to the questions where a simple, a simple yes  
19 or no answer is required, and I expect you to do that rather  
20 than give a five-minute exposition. Let's proceed.

21 MR. COHEN: Yes, sir.

22 BY MR. COHEN:

23 Q Now, again talking about September and October of  
24 1991, didn't you have knowledge that both Paul Crouch and Jane  
25 Duff did not believe that Pastor Aguilar was carrying out his

1 duties as a Director of NMTV?

2 A Did I have knowledge?

3 Q Did you have knowledge that both Paul Crouch and  
4 Jane Duff did not believe that Pastor Aguilar was carrying out  
5 his duties as Director?

6 A Well, I expressed to them our frustrations. In that  
7 sense I suppose they had that knowledge. But what they  
8 thought at that particular time, I can't tell you specifically  
9 other than what I communicated to them.

10 Q Didn't they both indicate to you that they thought  
11 he wasn't carrying out his duties as a Director of NMTV?

12 A No. I think they were frustrated as well for the  
13 reasons that I highlighted, but I'm not aware that they  
14 thought he wasn't otherwise performing his responsibilities.

15 Q Are you the person who hired the private investiga-  
16 tor which is referred to in the October 1, 1991, letter?

17 A Yes, sir.

18 Q And that was the private investigator who was hired  
19 to get the facts concerning Reverend Aguilar's criminal  
20 record? Is that correct?

21 A Yes, sir.

22 Q And who authorized you to take that step?

23 A I felt that my client needed the information and I  
24 wasn't getting it with the speed that I thought I needed it,  
25 and so I went about getting it.

1 Q And how did you go about getting it?

2 A I engaged somebody to go to the courthouse and  
3 essentially make a xerox copy of the docket.

4 Q And you did that -- you, you made the arrangements  
5 with that, that person?

6 A Yes, sir.

7 Q Who was that person?

8 A The individual was somebody who worked in West Coast  
9 Detective Agency. Frankly, I don't recall his name right now.

10 Q And did -- was that person paid?

11 A Yes, sir.

12 Q And, and who paid him?

13 A I believe that, that National Minority paid them.

14 Q Was Agui-- was Reverend Aguilar advised that you had  
15 hired a private investigator at the time that that occurred?

16 A No, sir.

17 Q Now, I want you to look at -- this is a Glendale  
18 Exhibit, not a Bureau Exhibit, 196.

19 JUDGE CHACHKIN: I gather, Mr. Cohen, that you've  
20 finished questioning him about minority preferences and diver-  
21 sification preferences? Is that correct?

22 MR. COHEN: Yes, sir.

23 JUDGE CHACHKIN: All right.

24 MR. COHEN: Thank you.

25 BY MR. COHEN:

1 Q Now, tell me when you've found Bureau -- I mean,  
2 Glendale 196, which is the letter dated September 13, 1991, to  
3 Paul Crouch and Jane Duff from you. And if you need any help,  
4 Mr. Holt will help you.

5 A I have the, the document. Yeah, 196? Glendale  
6 Exhibit 196?

7 Q Yes. It's a letter on your -- on the letterhead of  
8 May and Dunne dated September 13th.

9 A Yes, sir.

10 Q Now, if you'll notice, that that letter was --  
11 that's your signature, I take it, Mr. May?

12 A On -- yes, on page 5. Yes, sir.

13 Q Yes. And the letter is addressed to Paul Crouch  
14 and, and Jane Duff?

15 A Yes, sir.

16 Q Now, at the time, on September 13, 1991, there was  
17 another Director of NMTV, wasn't there?

18 A Yes, sir.

19 Q And that person was, of course, Reverend Aguilar.  
20 Correct?

21 A Yes. Yes, sir.

22 Q And why did you not copy -- strike that. The letter  
23 of September 13, 1991, was a very important -- dealt with a  
24 very important matter, didn't it?

25 A Yes, sir.

1 Q Important matter insofar as NMTV is concerned?

2 A Yes, sir.

3 Q Okay. And why did you not copy Reverend Aguilar  
4 inasmuch as he was a Director of NMTV on this letter concern-  
5 ing the important matter?

6 A Well, Mrs. Duff and Dr. Crouch were the individuals  
7 that I primary dealt with. And by sending it to them, I felt  
8 that I was sending it to the corporation and they would circu-  
9 late it accordingly.

10 Q Well, did you, in your mind -- and I want to bring  
11 you back to September of 1991. Did you believe that Reverend  
12 Aguilar was a full-fledged Director?

13 A Yes, sir.

14 Q Did you believe that he had as much power and res-  
15 ponsibility as the other two Directors?

16 A Yes, sir.

17 Q Did you believe he was an owner, as you've used the  
18 term in your testimony?

19 A Yes, sir.

20 Q Given all those facts that you've just testified to,  
21 I, I find it difficult to understand that, that why you didn't  
22 copy him, given the fact that he was a Director?

23 A Well, Mr. Cohen, I indicated that I normally sent  
24 things to Mrs. Duff and I relied on her to circulate it. I  
25 can also say that from my years of practice my -- it is very

1 common when I represent a company to usually have a designated  
2 point individual, and I send it to that individual. I don't  
3 always make sure that every Director or any other person  
4 involved in that company gets copies.

5 Q You didn't rely upon Mrs. Duff to get a copy to  
6 Pastor Crouch though, did you?

7 A No, sir. I sent it to Dr. Crouch as well because I  
8 also was in contact with him on NMTV matters.

9 Q But you weren't in contact with Reverend Aguilar in  
10 NMTV matters? Is that your testimony?

11 A No, sir, not until this, this September time-frame,  
12 1991.

13 Q And so the record is clear, Reverend Aguilar became  
14 a Director on August 15, 1990, which was about three years  
15 before this, this -- these events took place. Is that  
16 correct? One year. Excuse me.

17 A He be--

18 Q I, I stand correct. One year.

19 A Right. And he became a -- yes, sir. He became a  
20 Director in August of '90, and this is in September of '91.

21 Q And from -- I take it, then, from August of '90  
22 until September of 1991, you never copied Reverend Aguilar on  
23 any letter that you wrote to Jane Duff or Paul Crouch concern-  
24 ing NMTV? Am I correct?

25 A Not that I recall.

1 Q Well, did you ever write him a letter?

2 A No, sir.

3 Q Nor prior to the time the Petition to Deny was filed  
4 did you speak to him on the telephone?

5 A No, sir. There may have been some communications  
6 with his office or him directly in the May 1991 time-frame,  
7 because that is when the Petition to Deny in the Wilmington  
8 matter was filed. And, and so it may have been several months  
9 earlier than this September time-frame, so factor that in,  
10 please.

11 Q Now, I want to ask you about the October 1 letter,  
12 which is the Bureau Exhibit, 376. And you'll note that that  
13 letter was written by Joe Dunne to Paul Crouch. You see that?

14 A Yes, sir.

15 Q Okay. And -- but am I correct that, that you were  
16 generally aware of the contents of that letter when your  
17 partner wrote it?

18 A Yes, sir. I think I -- as I told you in the depo-  
19 sition, I was in the hospital. I had a, a procedure I had to  
20 go through during this time-frame, but, yes, I was aware of  
21 this.

22 Q And when did you see that letter, if you can recall,  
23 for the first time, the letter as, as, as we have it before  
24 us?

25 A It would have been sometime fairly close to this

1 | October 1 date.

2 |       Q     Would you have seen it in draft form or did you see  
3 | it in draft form before it was sent?

4 |       A     I think that's -- no, sir. I don't recall that and  
5 | it would have, it would have been a few days before this  
6 | October 1 that I was actually admitted into the hospital.

7 |       Q     Did, did you, did you talk with your partner about  
8 | the preparation of that letter prior to the time it was sent?

9 |       A     We had talked about the, the general frustration we  
10 | had had and we thought it was probably a sound idea to go  
11 | ahead and communicate those frustrations.

12 |       Q     Now, you -- if you look at page 2, you will notice  
13 | that Jane Duff is copied and Norman Juggert is copied. Do you  
14 | see that?

15 |       A     Yes, sir.

16 |       Q     Okay. Do you have any knowledge as to why those two  
17 | persons were copied by Mr. Dunne?

18 |       A     I believe so.

19 |       Q     Then let me ask you this, why was Norm Juggert  
20 | copied?

21 |       A     I believe Mr. Juggert was copied because he  
22 | represents Dr. Crouch and, and, and the fact that he is a  
23 | public figure, and this was, I suppose, our attempt to put him  
24 | on notice that there may be something here he should be aware  
25 | of with regard to Reverend Aguilar.



1 Q Was -- did, did this letter contain information that  
2 was very important to NMTV?

3 A The October 1 letter?

4 Q Yes.

5 A Yes, sir.

6 Q Was this a letter about NMTV business?

7 A Yes, sir, it was, but it was also about the indi-  
8 viduals that are involved in the company.

9 Q And Norman Juggert, of course, is Trinity's lawyer?

10 A Yes, sir.

11 Q And he's also a Director of, of TBN, isn't he?

12 A Yes, sir, he is.

13 Q Now, this letter wasn't -- strike that. Pastor  
14 Aguilar was not copied on this letter, although he was a  
15 Director of NMTV, and he is discussed at length in the letter.  
16 Am I correct?

17 A Yes, sir.

18 Q And was it -- was that a conscious decision, to your  
19 -- if you know, by your partner not to copy Reverend Aguilar,  
20 who of course was a Director of NMTV?

21 A I, I guess I don't know the answer to that.

22 Q It never occurred to you that he wasn't copied?

23 A Well, you asked me if I knew what Mr. Dunne was  
24 thinking.

25 Q Well, now I'm asking you another question. It never

1 occurred to you to, to -- when you read the letter to inquire  
2 as to why Pastor Aguilar wasn't copied?

3 A When -- subsequent to the letter, just within a few  
4 days, I had communications with Mrs. Duff and Dr. Crouch and  
5 came away with the impression that they were going to communi-  
6 cate with Reverend Aguilar about the items.

7 Q Did you ever become aware that this letter was  
8 supplied to Dr. -- to Pastor Aguilar?

9 A I believe that you've shown Pastor Aguilar a copy of  
10 this letter.

11 Q Your point is well-taken. During the period of time  
12 September and October of 1991, to your knowledge was this  
13 letter supplied to Dr. Ag-- to Pastor Aguilar?

14 A I don't know that it was or was not.

15 Q Now, to your knowledge, did anybody in the world  
16 suggest to Reverend Aguilar that he resign as a Director of  
17 NMTV?

18 A I don't know that, sir.

19 Q Did you hear from anybody that -- and I'm now talk-  
20 ing about the period of time around September or October of  
21 1991, did you hear from anyone that it was suggested to  
22 Reverend Aguilar that he resign?

23 A I don't -- no, sir. I don't recall that I was  
24 informed of that.

25 Q Were you informed of that generally?

1           A     No, sir. I knew that there had been some communi-  
2 cations with Pastor Aguilar, but I don't know that he was, was  
3 asked that he resigned, no, sir.

4           Q     Do you know that there were conversations between  
5 Reverend Aguilar and Paul Crouch concerning the subject of his  
6 resignation?

7           A     No, sir. I don't -- no, sir.

8           Q     Let me read into the record page 127 to your depo-  
9 sition, line 6. The question is: "To your knowledge did  
10 anyone in the world suggest to Reverend Aguilar that he re-  
11 sign?" And the answer was: "I don't know that as a fact,  
12 no."

13                     Then the question was: "Did you hear that from  
14 anybody?" And you answered: "No, not specifically."

15                     And the question was: "Generally?" And the answer  
16 was: "I had communicated that I knew there had been discus-  
17 sions with him."

18                     "About resigning?" And your answer was: "No, not  
19 specifically, but I mean about what's going on in his life,  
20 how he's doing, and the responsibilities that people expected  
21 from him as a Director of NMTV. And if those then led to his  
22 decision and thereby you make the inference that something was  
23 suggested or whatever, that's for you to draw and not for me.  
24 I am not aware of it, but I do know of those meetings -- I  
25 mean, communications among those lines."

1           Now, I want to ask you, when you testified in your  
2 deposition about "those meetings," what meetings did you have  
3 reference to?

4           A     Communications that occurred between Dr. Crouch and  
5 Mrs. Duff. I also believe that Dr. Hill at the time may have  
6 had some communications with Pastor Aguilar along the lines of  
7 the frustration that we had expressed, that is, my office had  
8 expressed.

9           Q     I want to turn to another matter, Mr. May, and that  
10 is the -- please look again at the, at the Bureau's Exhibit --  
11 is it 374, I think? The one that -- you know, the October 1  
12 letter.

13          A     I, I -- yes, sir. I still have that.

14          Q     Yeah.

15          A     That's 376.

16          Q     376. I stand corrected. And I want to ask you now  
17 about the, the last -- the next to the last paragraph of the  
18 letter which concerns the Request for Declaratory Ruling.  
19 Tell me when you've read that.

20          A     Yes, sir.

21          Q     Now, the way I read this is that apparently prior to  
22 October 1, 1991, there had been discussions between your law  
23 firm and Reverend Crouch concerning the possibility of NMTV  
24 filing for a Declaratory Ruling. Is that correct?

25          A     Yes, sir.

1 Q And, and when did, when did those conversations  
2 commence?

3 A It would have been very close to this October 1  
4 date.

5 Q And were these conversations between you and Joe  
6 Dunne and Paul Crouch?

7 A I recall that I had a conversation with my partner  
8 Joe about it, Joe Dunne, and I recall that I had conversations  
9 with Mrs. Duff and Dr. Crouch about it, yes.

10 Q And obviously you had no conversations with Reverend  
11 Aguilar about it?

12 A Well, I, I -- Mr. Cohen, I guess I don't know the --  
13 I can't recall specifically, because the time it first seems  
14 to me it came up was shortly before this October 1 letter and  
15 there was a conference call in which we were gathering infor-  
16 mation for the Statements to Respond to a letter the  
17 Commission had sent for more information in the context of the  
18 Wilmington matter. And I believe that in that conference  
19 there were questions about the procedures and the processes of  
20 the Commission and what, what are the other alternatives if  
21 this matter can't be resolved, because we were facing a  
22 situation where a bankruptcy court in Wilmington --

23 Q That's all -- I just asked you one question.

24 A Well, I was just trying to give you the facts --

25 Q Okay -- I think you should be aware of --

1 MR. TOPEL: I think --

2 MR. COHEN: -- the Judge's --

3 MR. TOPEL: I think --

4 JUDGE CHACHKIN: No, I, I think the witness should  
5 be responsive instead -- let's get the specific question back  
6 again and I think the witness should just answer the question  
7 and not go off on a long discourse. There was a specific  
8 question asked --

9 MR. COHEN: Yes, there was, Your Honor.

10 JUDGE CHACHKIN: -- whether he told Reverend --

11 MR. COHEN: Whether he had discussed this matter --

12 JUDGE CHACHKIN: -- Aguilar --

13 MR. COHEN: -- with Reverend Aguilar.

14 JUDGE CHACHKIN: -- discussed it with Reverend  
15 Aguilar. A simple yes or no, did he or didn't he? If he  
16 doesn't recall, he could say so. We don't have to have a long  
17 discussion about other things. Let's just get an answer to  
18 the questions asked. Redirect, if you want to bring up other  
19 matters you can, but now we're on cross. And let the witness  
20 be responsive to the questions asked.

21 Now, you want to ask the question again? Let's get  
22 a responsive answer.

23 BY MR. COHEN:

24 Q Do you, do you have a recollection of having dis-  
25 cussed the, the, the matter of the filing of the Request for

1 Declaratory Ruling with Pastor Aguilar?

2 A Yes, sir, I believe I do.

3 Q Now, what was the reason that you recommended --  
4 strike that. Am I correct that you and your partner recom-  
5 mended to NMTV that the Request for Declaratory Ruling be  
6 filed?

7 A It was one of the options we had presented, yes,  
8 sir.

9 Q Okay. And am I correct that you recommended it?

10 A Yes, sir. We thought it was a good idea.

11 Q Okay. And, and tell me as briefly as you can why  
12 you thought it was a good idea to file the Request for  
13 Declaratory Ruling?

14 A We thought it was a good idea because we were sus-  
15 pect that within the short time-frame that existed between  
16 when the Commission had sent out a letter in the middle part  
17 of September and when the bankruptcy court in Wilmington's  
18 permission for this transaction to be closed expired, which  
19 was October 1, that indeed the Commission would be able to  
20 give us an answer, and that would then leave these issues  
21 still outstanding at the Commission. And in order to get a  
22 resolution of those, we examined various ways in which we  
23 might do that, and one of the ways was by presenting to the  
24 Commission a Request for Declaratory Ruling on the issues.

25 Q That's helpful. Now, do you recall when a decision

1 was made that the Request for Declaratory Ruling be filed?

2 A Not specifically, no, sir.

3 Q Well, give me your -- the document was filed --  
4 you've got to look in the -- there's no date on the document.

5 JUDGE CHACHKIN: There must be a file date with the  
6 Commission.

7 MR. COHEN: It's, it's -- there's no date on it and  
8 I had -- it's in the Designation Order, which I seem to have  
9 misplaced, which referred to, Your Honor.

10 JUDGE CHACHKIN: Well, let's find the Designation  
11 Order.

12 MR. COHEN: The Designation Order, and I --

13 JUDGE CHACHKIN: It says Request for Declaratory  
14 Ruling was filed November 18, 1991.

15 MR. COHEN: That's, that's the date, Your Honor,  
16 November 18, 1991.

17 JUDGE CHACHKIN: All right. What's your question,  
18 Mr. Cohen?

19 MR. COHEN: I was trying to help the witness in  
20 terms of recalling when, when the decision was made to have  
21 the document filed.

22 BY MR. COHEN:

23 Q Does that help you, knowing that it was filed in  
24 November?

25 A It would have been bef-- just before that date that



1 we ultimately decided to -- the client ultimately decided to  
2 pursue it.

3 Q Now, who made the decision to file the, the Request  
4 for Declaratory Ruling?

5 JUDGE CHACHKIN: When you say who made the decision,  
6 who -- among whom -- who among the Directors or who --

7 MR. COHEN: Thank you, Your Honor.

8 BY MR. COHEN:

9 Q Who among the, the Directors of NMTV made the deci-  
10 sion that the Request for Declaratory Ruling be filed?

11 A I understand that the Directors made the decision,  
12 and I assume that to be all three of them, sir.

13 JUDGE CHACHKIN: When you say you understood -- the  
14 question is: do you have knowledge that all three participat-  
15 ed in the decision or do you not have knowledge? Let's not  
16 talk about understanding and speculation. Do you have knowl-  
17 edge as to who made the decision, who among the Directors made  
18 the decision? If you don't, say you don't know.

19 MR. MAY: I guess I, I don't really know then.

20 BY MR. COHEN:

21 Q Now, did you, did you send the document in draft  
22 form before it was filed to Paul Crouch?

23 A No, sir.

24 Q Well, do you know if, if your partner sent it?

25 A I don't know.